

Message Text

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ORIGIN AGRE-00

INFO OCT-01 EUR-12 IO-13 ISO-00 FEA-01 CEA-01 CIAE-00
COME-00 DODE-00 EB-07 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 EPG-02 AID-05
SS-15 STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02
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EB/OT/TA:RAMEYER
USDA:GWHITE
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R 160109Z JUN 77
FM SECSTATE WASHDC
TO USMISSION GENEVA
INFO AMEMBASSY BRUSSELS

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USEEC

E.O. 11652: N/A

TAGS: ETRD, GATT, EEC

SUBJECT: MIP PANEL

REFS: (A) GENEVA 2549, (B) GENEVA 3727

1. FOLLOWING THE DEPARTURE FROM GENEVA OF TWO OF THE FIVE
MEMBERS OF THE MIP PANEL, EC COMMISSION REPRESENTATIVES
INITIALLY SUGGESTED EXPLORING THE POSSIBILITY OF AN
OUT-OF-COURT SETTLEMENT. WE ENCOURAGED MOVES IN THIS
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DIRECTION. HOWEVER, AFTER FURTHER DELIBERATION, THE
COMMISSION THROUGH RABOT INFORMED US THAT THE EC WAS NOT
IN A POSITION TO NEGOTIATE A COMPROMISE SOLUTION AT
THIS TIME. RABOT INDICATED THAT, ALTHOUGH HE WOULD PREFER
THAT THE U.S. NOT PROCEED WITH THE GATT CASE, THE EC WOULD
NOT ERECT PROCEDURAL OBSTACLES TO THE PANEL'S WORK
SHOULD THE U.S. DECIDE TO PROCEED.

2. THE CONSENSUS OF WASHINGTON AGENCIES IS THAT RESOLUTION OF THE ISSUES INVOLVED IN THE MIP CASE SHOULD CONTINUE TO BE PURSUED THROUGH THE WORK OF THE PANEL. EC DELEGATION IN WASHINGTON HAS BEEN INFORMED OF THIS DECISION. TO DROP OR SHELVE THE CASE NOW COULD HAVE SERIOUS DOMESTIC POLITICAL REPERCUSSIONS ON THIS ADMINISTRATION'S PURSUIT OF A LIBERAL TRADE POLICY. MOREOVER, IT WOULD REFLECT A LACK OF FAITH IN THE GATT DISPUTE SETTLEMENT PROCEDURE.

3. REMAINING THREE MEMBERS OF THE PANEL POSSIBLY COULD REACH CONCLUSIONS ON THE CASE IN A FAIRLY SHORT PERIOD OF TIME. HOWEVER, JAGMETT'S APPARENT PREFERENCE FOR REPLACING THE TWO MEMBERS WEIGHS AGAINST PROCEEDING WITH ONLY THREE MEMBERS. MOREOVER, WE BELIEVE THAT FILLING THE TWO VACANT POSITIONS ON THE PANEL WITH PERSONS HAVING GATT EXPERTISE BUT NO FORMAL GOVERNMENTAL ALLEGIANCES WOULD ENHANCE THE EFFECTIVENESS OF THE PANEL AND WOULD IMPROVE THE CHANCES FOR A CLEAR DECISION BEFORE THE END OF THE YEAR ON THE GATT CONSISTENCY OF THE EC MEASURES IN DISPUTE.

4. MISSION, THEREFORE, IS REQUESTED TO INFORM GATT SECRETARIAT OF U.S. PREFERENCE TO RE-ESTABLISH FIVE MEMBER PANEL CONSISTING OF PRESENT THREE MEMBERS (ASSUMING THEY ARE WILLING TO CONTINUE) AND TWO NON-GOVERNMENTAL TRADE OR GATT LEGAL EXPERTS. FYI - WE HAVE DISCUSSED OUR PREFERENCE IN WASHINGTON WITH THE EC DELEGATION, WHO HAVE INFORMED BRUSSELS. BRUSSELS HAS NOT REACTED, EXCEPT TO INDICATE THAT FINDING APPROPRIATE LIMITED OFFICIAL USE

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CANDIDATES WILL BE DIFFICULT. - END FYI. SECRETARIAT SHOULD BE ASKED TO MOVE EXPEDITIOUSLY TO TRY TO OBTAIN EC AGREEMENT ON CANDIDATES FOR A PANEL.

5. WE ARE OPEN TO SUGGESTIONS BY MISSION AND SECRETARIAT FOR NAMES OF 4 TO 6 QUALIFIED PERSONS TO COMPLETE PANEL MEMBERSHIP. WE HAVE IN MIND PERSONS OF THE CALIBER OF GERARD CURZON, ERIC WYNDAM WHITE, ROBERT HUDEC, JOHN JACKSON AND VAN BLANKENSTEIN. CHRISTOPHER

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Control Number: n/a
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Sent Date: 16-Jun-1977 12:00:00 am
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition History: n/a
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